

# House Amendment 2088

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1 1 Amend the Senate amendment, H=1971, to House File  
1 2 641, as amended, passed, and reprinted by the House,  
1 3 as follows:  
1 4 #1. Page 1, by striking lines 5 through 10 and  
1 5 inserting the following:  
1 6 <<Section 1. Section 321.210A, Code 2007, is  
1 7 amended by adding the following new subsection:  
1 8 NEW SUBSECTION. 4. If after suspension, the  
1 9 person enters into an installment agreement with the  
1 10 county attorney in accordance with section 321.210B to  
1 11 pay the fine, penalty, court cost, or surcharge, the  
1 12 person's license shall be reinstated by the department  
1 13 upon receipt of a report of an executed installment  
1 14 agreement.  
1 15 Sec. 2. NEW SECTION. 321.210B INSTALLMENT  
1 16 AGREEMENT.  
1 17 1. If a person's fine, penalty, surcharge, or  
1 18 court cost is deemed delinquent as provided in section  
1 19 602.8107, subsection 3, and the person's driver's  
1 20 license has been suspended pursuant to section  
1 21 321.210A, the person may execute an installment  
1 22 agreement with the county attorney or the county  
1 23 attorney's designee to pay the delinquent amount and  
1 24 the fee assessed in subsection 7 in installments.  
1 25 Prior to execution of the installment agreement, the  
1 26 person shall provide the county attorney or the county  
1 27 attorney's designee with a financial statement in  
1 28 order for the parties to the agreement to determine  
1 29 the amount of the installment payments.  
1 30 2. A person shall execute an installment agreement  
1 31 in the county where the fine, penalty, surcharge, or  
1 32 court cost was imposed. If the county where the fine,  
1 33 penalty, surcharge, or court cost was imposed does not  
1 34 have an installment agreement program, the person  
1 35 shall execute an installment agreement in the person's  
1 36 county of residence. If the county of residence does  
1 37 not have an installment agreement program, the person  
1 38 may execute an installment agreement with any county  
1 39 attorney or county attorney's designee.  
1 40 3. The county attorney or the county attorney's  
1 41 designee shall file the installment agreement with the  
1 42 clerk of the district court in the county where the  
1 43 fine, penalty, surcharge, or court cost was imposed,  
1 44 within five days of execution of the agreement.  
1 45 4. Upon receipt of an executed installment  
1 46 agreement and after the first installment payment, the  
1 47 clerk of the district court shall report the receipt  
1 48 of the executed installment agreement to the  
1 49 department of transportation.  
1 50 5. Upon receipt of the report from the clerk of  
2 1 the district court and payment of the reinstatement  
2 2 fee as provided in section 321.191, the department  
2 3 shall immediately reinstate the driver's license of  
2 4 the person unless the driver's license of the person  
2 5 is otherwise suspended, revoked, denied, or barred  
2 6 under another provision of law.  
2 7 6. If a driver's license is reinstated upon  
2 8 receipt of a report of an executed installment  
2 9 agreement the driver shall provide proof of financial  
2 10 responsibility pursuant to section 321A.17, if  
2 11 otherwise required by law.  
2 12 7. The civil penalty, if assessed pursuant to  
2 13 section 321.218A, shall be added to the amount owing  
2 14 under the installment agreement. The clerk of the  
2 15 district court shall transmit to the department, from  
2 16 the first moneys collected, an amount equal to the  
2 17 amount of any civil penalty assessed and added to the  
2 18 installment agreement. The department shall transmit  
2 19 the money received from the clerk of the district  
2 20 court pursuant to this subsection to the treasurer of  
2 21 state for deposit in the juvenile detention home fund  
2 22 created in section 232.142.  
2 23 8. Upon determination by the county attorney or  
2 24 the county attorney's designee that the person is in

2 25 default, the county attorney or the county attorney's  
2 26 designee shall notify the clerk of the district court.

2 27 9. The clerk of the district court, upon receipt  
2 28 of a notification of a default from the county  
2 29 attorney or the county attorney's designee, shall  
2 30 report the default to the department of  
2 31 transportation.

2 32 10. Upon receipt of a report of a default from the  
2 33 clerk of the district court, the department shall  
2 34 suspend the driver's license of a person as provided  
2 35 in section 321.210A. For purposes of suspension and  
2 36 reinstatement of the driver's license of a person in  
2 37 default, the suspension and any subsequent  
2 38 reinstatement shall be considered a suspension  
2 39 pursuant to section 321.210A.

2 40 11. If a new fine, penalty, surcharge, or court  
2 41 cost is imposed on a person after the person has  
2 42 executed an installment agreement with the county  
2 43 attorney or the county attorney's designee, and the  
2 44 new fine, penalty, surcharge, or court cost is deemed  
2 45 delinquent as provided in section 602.8107, subsection  
2 46 3, and the person's driver's license has been  
2 47 suspended pursuant to section 321.210A, the person may  
2 48 enter into a second installment agreement with the  
2 49 county attorney or county attorney's designee to pay  
2 50 the delinquent amount and the fee, if assessed, in  
3 1 subsection 7 in installments.

3 2 12. If an installment agreement is in default, the  
3 3 fine, penalty, surcharge, or court cost covered under  
3 4 the agreement shall not become part of any new  
3 5 installment agreement.

3 6 13. A person is eligible to enter into five  
3 7 installment agreements in the person's lifetime.

3 8 14. Except for the civil penalty if assessed and  
3 9 collected pursuant to subsection 7, any amount  
3 10 collected under the installment agreement shall be  
3 11 distributed as provided in section 602.8107,  
3 12 subsection 4.

3 13 Sec. 3. Section 321.215, subsection 1, Code 2007,  
3 14 is amended by adding the following new paragraph:

3 15 NEW PARAGRAPH. f. The person's appointments with  
3 16 the person's parole or probation officer.

3 17 Sec. 4. Section 321.210C, Code 2007, is amended to  
3 18 read as follows:

3 19 321.210C PROBATION PERIOD.

3 20 1. A person whose driver's license or operating  
3 21 privileges have been suspended, revoked, or barred  
3 22 under this chapter for a conviction of a moving  
3 23 traffic violation, or suspended, revoked, or barred  
3 24 under section 321.205 or section 321.210, subsection  
3 25 1, paragraph "e", ~~or chapter 321J~~, must satisfactorily  
3 26 complete a twelve-month probation period beginning  
3 27 immediately after the end of the period of suspension,  
3 28 revocation, or bar. Upon a second conviction of a  
3 29 moving traffic violation which occurred during the  
3 30 probation period, the department may suspend the  
3 31 driver's license or operating privileges for an  
3 32 additional period equal in duration to the original  
3 33 period of suspension, revocation, or bar, or for one  
3 34 year, whichever is the shorter period.

3 35 2. A person whose driver's license or operating  
3 36 privileges have been revoked under chapter 321J, must  
3 37 satisfactorily complete a twelve-month probation  
3 38 period beginning immediately after the end of the  
3 39 period of revocation. Upon conviction of a moving  
3 40 traffic violation which occurs during the probation  
3 41 period, the department may revoke the driver's license  
3 42 or operating privileges for an additional period equal  
3 43 in duration to the original period of revocation, or  
3 44 for one year, whichever is the shorter period.

3 45 3. For purposes of determining a conviction under  
3 46 this section, the department shall not consider the  
3 47 first two speeding violations within the probation  
3 48 period that are ten miles per hour or less over the  
3 49 legal speed limit in speed zones having a legal speed  
3 50 limit between thirty-four miles per hour and fifty-six  
4 1 miles per hour.

4 2 Sec. 5. Section 321.218A, Code 2007, is amended to  
4 3 read as follows:

4 4 321.218A CIVIL PENALTY == DISPOSITION ==  
4 5 REINSTATEMENT.

4 6 When the department suspends, revokes, or bars a  
4 7 person's driver's license or nonresident operating  
4 8 privilege for a conviction under this chapter, the  
4 9 department shall assess the person a civil penalty of  
4 10 two hundred dollars. However, for persons age  
4 11 nineteen or under, the civil penalty assessed shall be  
4 12 fifty dollars. The civil penalty does not apply to a  
4 13 suspension issued for a violation of section 321.180B.  
4 14 The money collected by the department under this  
4 15 section shall be transmitted to the treasurer of state  
4 16 who shall deposit the money in the juvenile detention  
4 17 home fund created in section 232.142. ~~A Except as~~  
4 18 ~~provided in section 321.210B, a temporary restricted~~  
4 19 license shall not be issued or a driver's license or  
4 20 nonresident operating privilege reinstated until the  
4 21 civil penalty has been paid.

4 22 Sec. 6. Section 321J.20, subsection 1, unnumbered  
4 23 paragraph 1, Code 2007, is amended to read as follows:

4 24 The department may, on application, issue a  
4 25 temporary restricted license to a person whose  
4 26 noncommercial driver's license is revoked under this  
4 27 chapter allowing the person to drive to and from the  
4 28 person's home and specified places at specified times  
4 29 which can be verified by the department and which are  
4 30 required by the person's full-time or part-time  
4 31 employment, continuing health care or the continuing  
4 32 health care of another who is dependent upon the  
4 33 person, continuing education while enrolled in an  
4 34 educational institution on a part-time or full-time  
4 35 basis and while pursuing a course of study leading to  
4 36 a diploma, degree, or other certification of  
4 37 successful educational completion, substance abuse  
4 38 treatment, ~~and court-ordered community service~~  
4 39 ~~responsibilities, and appointments with the person's~~  
4 40 ~~parole or probation officer~~ if the person's driver's  
4 41 license has not been revoked previously under section  
4 42 321J.4, 321J.9, or 321J.12 and if any of the following  
4 43 apply:

4 44 Sec. 7. Section 331.756, subsection 5, Code 2007,  
4 45 is amended to read as follows:

4 46 5. a. Enforce all forfeited bonds and  
4 47 recognizances and prosecute all proceedings necessary  
4 48 for the recovery of debts, revenues, moneys, fines,  
4 49 penalties, restitution of court-appointed attorney  
4 50 fees ordered pursuant to section 815.9, including the  
5 1 expense of a public defender, and forfeitures accruing  
5 2 to the state, the county or a road district in the  
5 3 county, and all suits in the county against public  
5 4 service corporations which are brought in the name of  
5 5 the state. To assist in this duty, the county  
5 6 attorney may procure ~~professional collection services~~  
5 7 ~~provided by persons or organizations, including~~  
5 8 ~~private attorneys, which are generally considered to~~  
5 9 ~~have knowledge and special abilities which are not~~  
5 10 ~~generally available to state or local government or~~  
5 11 ~~may designate another county official or agency a~~  
5 12 ~~designee~~ to assist with collection efforts.

5 13 b. If ~~the designee is a~~ professional collection  
5 14 ~~services are procured agency~~, the county attorney  
5 15 shall file with the clerk of the district court an  
5 16 indication of the satisfaction of each obligation to  
5 17 the full extent of all moneys collected in  
5 18 satisfaction of that obligation, including all fees  
5 19 and compensation retained by the ~~collection service~~  
5 20 ~~designee~~ incident to the collection and not paid into  
5 21 the office of the clerk.

5 22 c. Before a county attorney designates another  
5 23 county official or agency to assist with collection of  
5 24 debts, revenues, moneys, fines, penalties, restitution  
5 25 of court-appointed attorney fees ordered pursuant to  
5 26 section 815.9, including the expense of a public  
5 27 defender, and forfeitures, the board of supervisors of  
5 28 the county must approve the designation.

5 29 d. All fines, penalties, court costs, fees, and  
5 30 restitution for court-appointed attorney fees ordered  
5 31 pursuant to section 815.9, including the expenses of a  
5 32 public defender which are delinquent as defined in  
5 33 section 602.8107 may be collected by the county  
5 34 attorney or the ~~person procured or designated by the~~  
5 35 ~~county attorney~~ county attorney's designee. The  
5 36 county attorney or the county attorney's designee may

5 37 collect delinquent obligations under an installment  
5 38 agreement pursuant to section 321.210B.  
5 39 e. In order to receive a percentage of the amounts  
5 40 collected pursuant to section 602.8107, the county  
5 41 attorney must file annually with the clerk of the  
5 42 district court on or before July 1 a notice of full  
5 43 commitment to collect delinquent obligations and must  
5 44 file on the first day of each month a list of the  
5 45 cases in which the county attorney or the person  
5 46 procured or designated by the county attorney county  
5 47 attorney's designee is pursuing the collection of  
5 48 delinquent obligations. The list shall include a list  
5 49 of cases where delinquent obligations are being  
5 50 collected under an installment agreement pursuant to  
6 1 section 321.210B, and a list of cases in default which  
6 2 are no longer being collected under an installment  
6 3 agreement but remain delinquent. The annual notice  
6 4 shall contain a list of procedures which will be  
6 5 initiated by the county attorney. Amounts collected  
6 6 by the county attorney or the person procured or  
6 7 designated by the county attorney county attorney's  
6 8 designee shall be distributed in accordance with  
6 9 section 602.8107.  
6 10 f. As used in this subsection, "designee" means a  
6 11 professional collection services agency operated by a  
6 12 person or organization, including a private attorney,  
6 13 that is generally considered to have knowledge and  
6 14 special abilities not generally possessed by the  
6 15 state, a local government, or another county official  
6 16 or agency, or a county attorney or a county attorney's  
6 17 designee in another county where the fine, penalty,  
6 18 surcharge, or court cost was not imposed.>  
6 19 #2. Page 1, by inserting after line 23 the  
6 20 following:  
6 21 <#\_\_\_\_. Page 2, by inserting after line 6 the  
6 22 following:  
6 23 <Sec. \_\_\_\_\_. Section 602.8107, subsection 6,  
6 24 unnumbered paragraph 1, Code 2007, is amended to read  
6 25 as follows:  
6 26 If a county attorney does not file the notice and  
6 27 list of cases required in section 331.756, subsection  
6 28 5, including the list of installment agreements under  
6 29 section 321.210B, the judicial branch may assign cases  
6 30 to the centralized collection unit of the department  
6 31 of revenue or its designee to collect debts owed to  
6 32 the clerk of the district court. In addition, an  
6 33 installment agreement in default that remains  
6 34 delinquent may also be assigned to the centralized  
6 35 collection unit of the department of revenue or its  
6 36 designee.>>  
6 37 #3. Page 1, by inserting before line 24 the  
6 38 following:  
6 39 <#\_\_\_\_. Page 3, by inserting before line 14 the  
6 40 following:  
6 41 <Sec. \_\_\_\_\_. PROCESSING OF INSTALLMENT AGREEMENTS.  
6 42 Notwithstanding section 602.8107, subsection 4, and  
6 43 section 602.8108, for the fiscal year beginning July  
6 44 1, 2007, and ending June 30, 2008, up to the first  
6 45 three hundred thousand dollars of the remainder to be  
6 46 paid to the clerk pursuant to section 602.8107,  
6 47 subsection 4, shall be allocated to the judicial  
6 48 branch to enhance the ability of the judicial branch  
6 49 to efficiently process installment agreements filed  
6 50 with the clerk pursuant to section 321.210B.  
7 1 Sec. \_\_\_\_\_. INSTALLMENT AGREEMENT == COOPERATION.  
7 2 It is the intent of the general assembly that the  
7 3 judicial branch, the department of transportation, the  
7 4 department of workforce development, county attorneys,  
7 5 and other state and local agencies cooperate in the  
7 6 collection of delinquent court fines, penalties,  
7 7 surcharges, and court costs by coordinating efforts in  
7 8 the collection of installment agreement payments under  
7 9 section 321.210B.  
7 10 Sec. \_\_\_\_\_. APPLICABILITY.  
7 11 An installment agreement shall not be executed in  
7 12 any county until January 1, 2008, except an  
7 13 installment agreement may be executed and, if  
7 14 executed, a driver's license shall be reinstated as  
7 15 provided in section 321.210B for a fine, penalty,  
7 16 court cost, or surcharge imposed in Polk or Linn  
7 17 county.>>

7 18 [#4.](#) Page 1, line 27, by inserting after the word  
7 19 <obligations> the following: <or after suspension or  
7 20 revocation>.  
7 21 [#5.](#) Page 1, line 30, by inserting after the word  
7 22 <state> the following: <, and including applicability  
7 23 provisions>.  
7 24  
7 25  
7 26 \_\_\_\_\_  
7 27 R. OLSON of Polk  
7 28 HF 641.1  
7 29 jm/jg/25